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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JOSEPH WALSH,

3:15-cv-01666 SI

PLAINTIFF,

v.

**DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR
ENFORCEMENT OF JUDGE'S ORDER**

**BRYANT ENGE, CHARLIE HALES,
CITY OF PORTLAND,**

DEFENDANTS.

Defendants Bryant Enge, Charlie Hales, and the City of Portland (collectively "Defendants") respectfully request the Court deny Plaintiff's Motion for Enforcement of Judge's Order ("Plaintiff's Motion") because plaintiff has not alleged action on the part of Defendants that violates the Court's order.

The Court's Opinion and Order on December 31, 2015 granted plaintiff injunctive relief and a declaratory judgment as to the City's exclusion ordinance, PCC § 3.15.020B.5.b. (See Opinion and Order, docket #29). That ordinance authorizes the City to exclude from future Council meetings persons who violate the meeting rules of conduct. The court enjoined the

City's usage of PCC § 3.15.020.B.5.b to exclude disruptive persons from future City Council meetings.

Plaintiff does not allege that defendants excluded plaintiff or any other person from future City Council meetings. As Plaintiff's Motion states, plaintiff was arrested at a City Council meeting rather than excluded from the meeting. Plaintiff's arrest resulted in a criminal action in Multnomah County Circuit Court for Criminal Trespass II and Disorderly Conduct II (see Register of Actions pertaining to Multnomah County Case No. 16CR39865 titled *State of Oregon v. Joseph Walsh*, attached to Declaration of Daniel Simon as **Exhibit A**). Defendants dispute plaintiff's factual version of events, but even taking all of plaintiff's non-conclusory factual allegations as true, plaintiff does not allege that the City excluded him from future City Council meetings via PCC § 3.15.020.B.5.b. Plaintiff's Motion makes no mention of that section of the City Code, nor does plaintiff allege that he has been excluded from future City Council meetings. Plaintiff simply states that he was arrested and asks the court to intervene. Plaintiff does not show that the City's actions violated the Court's Opinion and Order, thus Plaintiff's Motion lacks a legal basis for relief.

The court should deny Plaintiff's Motion. Plaintiff's allegations do not implicate the Court's order published on December 31, 2015, because defendants have not excluded plaintiff from future City Council meetings under PCC 3.15.020B.5.b.

Dated: July 20, 2016.

Respectfully submitted,

/s/ Daniel Simon

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANTS' MOTION FOR
ENFORCEMENT OF JUDGE'S ORDER on:

Joseph F. Walsh
7348 SE Division Street
Portland, OR 97206
Plaintiff-Pro Se

on July 20, 2016, by causing a full, true and correct copy thereof, addressed to the last-known
address (or fax number) of said attorney, to be sent by the following method(s):

- ☒ by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal
Service in Portland, Oregon.
- ☐ by **hand delivery**.
- ☐ by **email** pursuant to LR 5-2(b).
- ☐ by **facsimile transmission**.
- ☐ by **email**.

/s/ Daniel Simon

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